



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,978	06/13/2000	Manu Kumar	M-11291 US	6887

23639 7590 02/06/2004  
BINGHAM, MCCUTCHEN LLP  
THREE EMBARCADERO, SUITE 1800  
SAN FRANCISCO, CA 94111-4067

EXAMINER
----------

DELGADO, MICHAEL A

ART UNIT	PAPER NUMBER
2144	10

DATE MAILED: 02/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/593,978

Applicant(s)

KUMAR, MANU

Examiner

Michael S. A. Delgado

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 11/25/03 have been fully considered but they are not persuasive. In response to the argument that a website with a plurality of pages was not taught by Aho. The virtual world taught by Aho and its application to website operation is well known in the art. Aho teaches about different scenes that avatar can explore (Col 2, lines 1-15). These scenes are similar to the pages of a website as indicated by Aho using a URL to represent the different scene (Col 7, lines 5-55). It is well known in the art that URL are only associated with website.
2. In response to the argument that dialogs box was not taught by Aho. It is well known in the art that a chat service or messaging service is only done by using dialog box (Col 2, lines 45-55).

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5-6 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,256,043 by Aho et al.

In claim 1, Aho teaches about an Apparatus for monitoring website activity comprising (Fig 4-6):

means for tracking a visit to a website by a visitor (Col 2, lines 40-55);

means for identifying the visitor (Col 2, lines 40-55);

means for monitoring progress of the visitor to additional pages within the website (Col 1, line 65-Col 2, line 20); and

means for initiating direct communication with the visitor according to the progress of the visitor within the website (Col 2, lines 40-55).

In claim 2, Aho teaches about an apparatus as recited in claim 1 further including means for indicating the number of visitors accessing each of said additional page within the website (Col 2, lines 40-55).

In claim 3, Aho teaches about an apparatus as recited in claim 2, wherein said means for indicating the number of visitors comprises a radar screen (Col 2, lines 40-55).

In claim 5, Aho teaches about an apparatus as recited in claim 1, wherein said means for initiating direct communication with the visitor comprises a text box which is presented to the visitor by a customer service representative (Col 2, lines 40-55), the text box further including means for identifying the customer service representative to the visitor and an interactive dialog box for the exchange of information between the customer service representative and the visitor (Col 2, lines 40-55).

In claim 6, Aho teaches about a method of providing customer service to a website visitor, the method comprising the steps of (Fig 4-6):

identifying to a website customer service representative that a visitor has accessed the

Art Unit: 2144

website (Col 2, lines 40-55);

identifying the visitor to the customer service representative (Col 2, lines 40-55);

monitoring progress of the visitor to additional pages in the website (Col 1, line 65-Col 2, line 20);

operable connecting the customer service representative with the visitor (Col 2, lines 40-55); and

providing a dialog box from the customer service representative to the visitor such that instantaneous real-time communication is initiated between the customer service representative and the visitor (Col 2, lines 40-55).

In claim 15, Aho teaches about an apparatus of claim 1, wherein said means for initiating direct contact comprises means for sending a message to the visitor based on the monitored progress (Col 2, lines 40-55).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,256,043 by Aho et al in view of US Patent No. 6,272,531 by Shrader.

Art Unit: 2144

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

In claim 4, Aho teaches all the limitation but does not explicitly teach about an apparatus as recited in claim 2, wherein said means for indicating the number of visitors comprises a bar graph. Shrader teaches about a method and system for recognizing and acting upon dynamic data on the internet. Shrader disclosed a simple way to disclosed dynamic data by using a bar graph (Col 13, lines 10-25). It would have been obvious to some one of ordinary skill at the time of the invention to use a bar graph to indicate that a certain threshold has been met and requires the operator's attention.

The technology for bar graph is well known in the art, which makes it easily implement able in any software operation. Bar graph is used in scenario, which requires a quick summary of a dynamic or complex operation. By a visual inspection, an operator is better able to determine if a threshold was met and take the required action.

Claims 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,256,043 by Aho et al in view of US Patent No. 5,877,759 by Bauer.

In claim 7, Aho teaches all the limitation but does not explicitly teach about acquiring customer browsing pattern. Bauer teaches about a method of claim 6, further comprising:

detecting a browsing pattern from the monitored progress (Col 6, lines 55-67).

The concept of monitoring customer's browsing pattern is well known in the art as evident by Bauer teaching. It would have been obvious at the time of the invention for some one of ordinary skill to use a monitoring process to monitor a consumer browsing habit to acquire an most accurate profile of the consumer. By this means, a vendor is empowered with information that will allow it to better service its customer and thus better for business.

In claim 8, Aho combines with Bauer, teaches about a method of claim 7, wherein detecting the, browsing pattern comprises indicating that the visitor is purchasing an item "Disney souvenir" (Bauer Col 6, lines 55-67- see claim 7 discussion); and

providing the dialog box comprises helping the visitor purchase the item ( chat service) (Col 2, lines 45-55).

In claim 9, Aho combines with Bauer, teaches about a method of claim 7, wherein detecting the browsing pattern comprises indicating that the visitor is actively seeking information (Bauer, Col 6, lines 55-67 see claim 7 discussion); and

providing the dialog box comprises providing desired information to the visitor ( chat service) (Col 2, lines 45-55).

In claim 10, Aho combines with Bauer, teaches about a method of claim 7, wherein detecting the browsing pattern comprises indicating that the visitor is navigating through pages of the website (Bauer, Col 6, line 55-Col 7, line 10- see claim 7 discussion); and

providing the dialog box comprises directing the visitor to a page that is of interest to the visitor (Col 8, lines 25-40).

In claim 11, Aho combines with Bauer, teaches about an apparatus of claim 1, further comprising:

means for detecting a browsing pattern from the monitored progress (Bauer, Col 6, lines 55-67- see claim 7 discussion).

In claim 12, Aho combines with Bauer, teaches about a apparatus of claim 11, wherein said means for detecting the browsing pattern comprises means for indicating that the visitor is purchasing an item (Bauer, Col 6, lines 55-67- see claim 7 discussion); and

said means for initiating direct communication comprises means for helping the visitor purchase the item (Col 2, lines 40-55).

In claim 13, Aho combines with Bauer, teaches about a apparatus of claim 11, wherein said means for detecting the browsing pattern comprises means for indicating that the visitor is actively seeking information (Bauer, Col 6, lines 55-67- see claim 7 discussion); and

said means for initiating a direct communication comprises means for providing desired information to, the visitor (Col 2, lines 40-55).

In claim 14, Bauer teaches about a apparatus of claim 11, wherein said means for detecting, the browsing pattern comprises means for indicating that the visitor is navigating through pages of the website (Bauer, Col 6, lines 55-67- see claim 7 discussion); and

said means for initiating direct communication comprises means for directing the visitor to a page that is of interest to the visitor (Col 8, lines 25-40).

### ***Conclusion***



5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 6,091,417 by Lefkowitz, teaches about a graphical user interface.

US Patent No. 6,032,129 by Greef et al, teaches about a customer centric virtual shopping experience with actors agents and persona.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S. A. Delgado whose telephone number is 703-305-8057. The examiner can normally be reached on 8 AM - 4.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Application/Control Number: 09/593,978

Page 9

Art Unit: 2144

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



MD

February 3, 2004



DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100